

REMARKS

New claims 15 – 17 are pending in the above-referenced application. No new matter has been added. The following background discussion provides some context for the patentability of these claims. For example, as set forth on pages 1 through 4 of the specification, it was known to provide optical disks having mastered contents such as audio CDs. It was problematic, however, to include both mastered content and writeable areas on the same optical disk. Applicant has solved this dilemma and provided an optical disk having both mastered content and user-writeable areas that may both be accessed using a single wavelength optical train.

Consider, for example, Figure 1a and 1b. Figure 1a shows a continuous information layer 116. As shown in Figure 1b, Applicants have provided an optical disk wherein this continuous information layer forms both a mastered content region 126 (a read-only ROM region) and a writeable area 128. Consider the advantageous manufacture of such a disk – a manufacturer need merely stamp the disk with the features for the mastered and writeable areas. Then a single information layer covers this substrate to form both the writeable and mastered areas. Claim 15 reflects such advantageous features in that it recites a “a continuous information layer having a first region containing mastered content and a second region which is user writeable.” The Gotoh disk (USP 6,052,465) stands in sharp contrast in that it discloses only a ROM disk – there is no region in Gotoh which is user writeable. As such Gotoh cannot possibly disclose or suggest the claimed advantageous disk in which a single continuous information layer forms both a mastered (ROM) area and a user-writeable area.

But there are other key distinctions over the Gotoh disk. In conjunction with providing this long-sought optical disk, Applicants have developed innovative distribution schemes using their inventive disk. For example, rather than tightly couple distribution of content and payment for that content together such as in the conventional marketing of audio CDs at music stores and the like, a content provider may distribute the inventive disks discussed above without needing payment. As set forth, for example, on pages 10 through 14 with respect to Figure 2, the mastered content is only unlocked after writing license information onto the writeable portion of the disk. This license information is compared to

license criteria. If the comparison is satisfactory, the mastered content may be decrypted such that a user has access to it. These inventive features are reflected in claim 15 through the acts of "recording license information in the second region of the continuous information layer; comparing the license information to license criteria; and permitting access to at least a portion of the mastered content responsive to the comparison of the license information to license criteria."

Because the Gotoh reference (USP 6,052,465) discloses only the laser trimming of a reflective film in the form of a barcode label for an optical disk (see, e.g., the abstract), it is fundamentally opposed to Applicants' method, wherein license information is written onto the second region (user writeable) in the disk's recording layer. Instead, because Gotoh is laser trimming a bar code label, this trimming is only done at the time of manufacture: see, e.g., Col. 31, lines 36-66 which describes this trimming in conjunction with manufacture at the press factory, see also Figure 1.

Applicants respectfully note that this key distinction was utterly ignored in the 1/04/05 office action: specifically, Gotoh discloses absolutely no recording of license information in a USER-WRITEABLE area. This is critical because there can then be NO decoupling of distribution and payment: the purchaser of a Gotoh disk has no way of writing the license information such that payment must be made at the time of distribution. Accordingly, claim 15 is patentable over Gotoh.

The Shimano reference (USP 5,995,474) is completely irrelevant: as shown by its abstract it is merely directed to a particular optical head topology. As such, it does nothing to cure the infirmities of the Gotoh reference. Accordingly, claim 15 is patentable over the Gotoh and Shimano references.

Because claims 16 through 18 depend upon claim 15, they are patentable over Gotoh and Shimano for at least the same reasons.

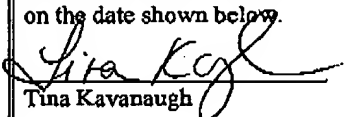
A terminal disclaimer is enclosed to obviate the double patenting rejection over USP 6,580,683.

CONCLUSION

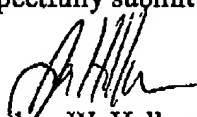
For the above reasons, pending Claims 15 – 18 are in condition for allowance and allowance of the application is hereby solicited. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certification of Facsimile Transmission

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.


Tina KavanaughMarch 25, 2005
Date of Signature

Respectfully submitted,


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